

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Court No. 05-11590-GAO-
)
KENNETH F. KOMENDA,)
)
Defendant.)

UNITED STATES' MOTION FOR DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Kenneth F. Komenda (hereinafter "Komenda"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Komenda is indebted to the United States for the principal amount of \$18,821.85; plus \$3,087.31 accrued interest; plus costs. The total balance as of December 30, 2005 is \$21,909.16.
2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Komenda's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Komenda for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: December 30, 2005

CERTIFICATE OF SERVICE

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to Kenneth F. Komenda at 119 Ocean Ave., Hyannis, MA 02601.

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT

I, Tricia L. Desingco, state under oath that:

1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.

2. In that capacity, I process and maintain debt collection cases, including the case of Kenneth F. Komenda (hereinafter "Komenda"). I am also the custodian of the records for such cases.

3. Komenda was served, according to the return of service, with a summons and complaint on October 25, 2005 at 119 Ocean Ave., Hyannis, MA 02601. See attached exhibit "A". As of December 30, 2005, Komenda has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

Tricia L. Desingo
Tricia L. Desingo
Paralegal

Date: December 30, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 30 day of Dec., 2005.

Mary A. Watson
Notary Public

My commission expires: 2/16/07



A

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF

United States of America

COURT CASE NUMBER

F 169-11590-GAO

DEFENDANT

Kenneth F. Komenda

TYPE OF PROCESS

Summons + Complaint

SERVE



NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Kenneth F. Komenda

2005 NOV 2005

U.S. DISTRICT COURT

AT

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

119 Ocean Ave, Hyannis, MA 02601

DISTRICT OF MASS.

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Tricia Desinoco
U.S. Attorney's Office
Financial Litigation Unit
One Courthouse Way - Suite 9200
Boston, MA 02110

Number of process to be
served with this Form - 285Number of parties to be
served in this caseCheck for service
on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please make service prior to October 31, 2005.
Please note that the address listed above is the Cape Cod HarborHouse Inn. The Inn is owned and managed by Kenneth Komenda. He works at this location.
The Inn #1-800-211-5551

Signature of Attorney or other Originator requesting service on behalf of:

Tricia Desinoco

PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER

617-748-3308 10/19/05

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more
than one USM 285 is submitted)

Total Process

District
of OriginDistrict
to Serve

Signature of Authorized USMS Deputy or Clerk

Date

No. 38

No. 38

M. Komenda 10/19/05

10/23/05

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Sonya Cofeho (clerk office)

A person of suitable age and dis-
cretion then residing in the defendant's
usual place of abode.

Address (complete only if different than shown above)

Date of Service

11/8/05

Time

11:15

pm

Signature of U.S. Marshal or Deputy

Robert

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
135.00	53.29		188.29			

REMARKS: